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OFFICE OF PETITIONS

In re Application of :
Pope et al. : DECISION ON PETITION
Application No. 10/058,808 :
Filed: January 28, 2002 :
Title: PRECERAMIC POLYMERS TO :
HAFNIUM CARBIDE AND HAFNIUM :
NITRIDE CERAMIC FIBERS AND :
MATRICES :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 17, 2006, which for the reasons set forth herein is being treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition under § 1.181 is GRANTED.

On March 8, 2006, the Office mailed a Notice of Abandonment in the above-identified application. The application became abandoned for failure to file a timely and proper reply to the final Office action mailed September 27, 2004. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective December 28, 2004.

Applicants replied with the instant petition, asserting that the entire delay in filing the reply was unintentional and submitting an amendment and response.

However, a review of the application history reveals that on January 31, 2005, applicants filed a Notice of Appeal (with a certificate of mailing dated January 27, 2005), made timely by an accompanying petition and extension of time for response within the first month. Further, on May 9, 2005 (certificate of mailing dated May 2, 2005), applicants submitted an appeal brief, made timely by an accompanying petition and fee for extension of time within the first month. It is noted that Saturday, April 30, 2005 was a non-business day, the response was timely with the certificate of mailing dated Monday, May 2, 2005.


In view thereof, the application is not in fact abandoned. The Notice of Abandonment mailed March 8, 2006 is hereby **vacated**, and the holding of abandonment is **withdrawn**.

No fee is required on petition under § 1.181.

As consideration of the petition under § 1.137(b) is unnecessary, the petition fee is being refunded to Deposit Account No. 50-3683 as authorized.

Technology Center AU 1712 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment, and for forwarding to the examiner for consideration of the Appeal Brief filed May 9, 2005.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions